

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KURT SKAU, on behalf of himself and on
behalf of others similarly situated,

Plaintiff,

v.

JBS CARRIERS, INC., a Delaware corporation,

Defendant.

No. 2:18-cv-00681-RAJ

DEFENDANT'S NOTICE OF
SUPPLEMENTAL AUTHORITY
TO RESPONSE TO MOTION
FOR REMAND

[Noting Date: July 6, 2018]

COMES NOW Defendant JBS Carriers, Inc. ("JBS Carriers"), through its attorneys
Sherman & Howard L.L.C., and hereby provides Notice of Supplemental Authority in support
of its July 2, 2018 Opposition to Plaintiff's Motion to Remand pursuant to Local Rule of Civil
Procedure 7(n).

Counsel's Meet and Confer Certificate

On August 8, 2018, pursuant to the Court's Standing Order, undersigned counsel
conferred with Plaintiff's counsel regarding its Notice and whether Plaintiff would agree to
withdraw his Motion to Remand in light of the Ninth Circuit's decision identified below.
Plaintiff has "no position" on this Notice, but does not intend to withdraw its Motion to
Remand.

Supplementation with Recent Ninth Circuit Decision

On August 8, 2018, the Ninth Circuit issued a decision in *Fritsch v. Swift Transp. Co. of*

1 *Ariz., LLC*, D.C. No. 5:17-cv-02226-JGB-SP (9th Cir., Aug. 8, 2018) addressing the issue of
2 whether to include future and yet unaccrued attorneys' fees in the amount in controversy
3 calculation. A copy of that decision is attached hereto as **Exhibit A**. Defendant respectfully
4 requests that the Court consider this case as supplemental authority.

5 DATED this 9th day of August, 2018.

6 Davis Wright Tremaine LLP

7 By: /s Michael J. Killeen

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16 Attorney for Defendant JBS Carriers, Inc.

17 Sherman & Howard LLC

18 By: /s Jonathon Watson

19 Jonathon Watson (*admitted Pro Hac Vice*)
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25 Co-counsel for Defendant JBS Carriers, Inc.

CERTIFICATE OF SERVICE (CM/ECF)

I hereby certify that on this 9th day of August, 2018, a true and correct copy of the foregoing **NOTICE OF SUPPLEMENTAL AUTHORITY** was electronically filed with the Clerk of the Court using the CM/ECF system which electronically served a copy of such filing to each of the following:

TERRELL MARSHALL LAW GROUP LLC Toby J. Marshall, WSBA #32726 Email: tmarshall@terrellmarshall.com Maria Hoisington-Bingham, WSBA #51493 Email: mhoisington@terrellmarshall.com 936 North 34 th Street, Suite 300 Seattle, WA 98103-8869 Telephone: (206) 816-6603 Facsimile: 206) 319-5450	REKHI & WOLK, P.C. Hardeep S. Rekhi, WSBA #34579 Email: Hardeep@rekhiwolk.com Gregory A. Wolk, WSSBA #28946 Email: greg@rekhiwolk.com 529 Warren Ave North, Suite 201 Seattle, WA 98109 Telephone: (206) 388-5887 Facsimile: (206) 577-3924
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And a Courtesy Copy has been transmitted to the following via regular first class U.S. mail, postage prepaid:

The Honorable Richard A. Jones
United States courthouse for the
District of Washington, Western Division
700 Stewart Street, Suite 13128
Seattle, WA 98101-9906

By: /s/ Lynn Howell
Lynn Howell, Legal Secretary